

**Executive Summary – Enforcement Matter – Case No. 40581**

**City of Wills Point**

**RN101388973**

**Docket No. 2010-1721-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM, PWS, WQ

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Located north of United States Highway 80 and west of Farm-to-Market Road 47, Van Zandt County

**Type of Operation:**

Municipal public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: Senator Robert Deuell

**Texas Register Publication Date:** April 22, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,606

**Amount Deferred for Expedited Settlement:** \$2,921

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

**SEP Conditional Offset:** \$11,685

Name of SEP: Household Hazardous Waste, Electronics, and Appliance Collection Event

**Compliance History Classifications:**

Person/CN - Average

Site/RN - N/A

**Major Source:** WQ: No

PWS: Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002



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**City of Wills Point**  
**RN101388973**  
**Docket No. 2010-1721-MLM-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigations:** July 21, 2010, July 22, 2010, and July 27, 2010

**Date(s) of NOE(s):** September 24, 2010

***Violation Information***

1. Failed to prevent an unauthorized discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state [TEX. WATER CODE § 26.121].
2. Failed to provide an air gap connection to waste on the filter-to-waste connections [30 TEX. ADMIN. CODE § 290.42(d)(2)(E)].
3. Failed to design the inlet and outlet of clarification facilities so as to prevent short-circuiting of flow or the destruction of floc [30 TEX. ADMIN. CODE § 290.42(d)(10)(B)].
4. Failed to provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute [12.5 gallons per minute ("gpm") per square foot] and usually not more than 35 inches of vertical rise per minute (21.8 gpm per square foot) [30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(iii)].
5. Failed to provide backwash facilities capable of expanding a mixed-media filter bed without air scour at least 25% during the backwash cycle [30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(iv)(II)].
6. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)].
7. Failed to provide a device on all chemical bulk storage facilities and day tanks that indicates the amount of chemical remaining in the facility or tank [30 TEX. ADMIN. CODE § 290.42(f)(1)(C)].
8. Failed to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].
9. Failed to use a chemical feed system designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning [30 TEX. ADMIN. CODE § 290.42(f)(2)(D)].
10. Failed to maintain the Facility's operating records accessible for review during inspections [30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(B)(vi), and 290.46(f)(3)(B)(v)].



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11. Failed to obtain prior approval from the Executive Director before using an alternative customer service inspection certification form [30 TEX. ADMIN. CODE § 290.46(j)].
12. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
13. Failed to inspect the interior coating of the elevated storage tanks for adequate protection to all metal surfaces on an annual basis [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
14. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids [30 TEX. ADMIN. CODE 290.46(m)(4)].
15. Failed to properly calibrate equipment used for compliance testing [30 TEX. ADMIN. CODE §§ 290.46(s)(2), 290.46(s)(2)(A)(ii), and 290.46(s)(2)(B)(iv)].
16. Failed to maintain the residual disinfectant concentration within the distribution system at a minimum of 0.5 milligrams per liter ("mg/L") chloramine [30 TEX. ADMIN. CODE § 290.110(b)(4)].
17. Failed to monitor the performance of the disinfection zones according to the Facility's most current monitoring plan and current disinfection contact time ("CT") study approval letter [30 TEX. ADMIN. CODE § 290.111(d)(2)(B)].
18. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that on July 26, 2010, the Respondent submitted documentation to demonstrate that the disinfectant residual was restored to a level greater than 0.5 mg/L at Industrial Park and Eastside elevated storage tanks.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)



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**Docket No. 2010-1721-MLM-E**

2. It is further ordered that the Respondent shall undertake the following technical requirements:

a. Immediately upon the effective date of this Agreed Order, cease all unauthorized discharges from the surface water treatment plant lagoon and institute controls to prevent any future unauthorized discharges.

b. Within 30 days:

i. Inspect the interiors of all elevated storage tanks to ensure the interior coatings provide adequate protection to all metal surfaces;

ii. Begin maintaining the Facility's operating records, including but not limited to: backflow prevention test reports, and flow meter calibration reports;

iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the facilities and equipment. This will include, but not be limited to the following corrective measures: repairing the corrosion and paint on the supply lines feeding the clarifiers, repairing or replacing the modulating valve on filter 1, removing all vegetation growing on the fence close to the old raw water intake, and repairing the containment structure for the caustic day tank;

iv. Begin using a customer service inspection certification form which provides the minimum information;

v. Begin monitoring the performance of the disinfection zones according to the Facility's most recent monitoring plan and CT study; and

vi. Properly calibrate equipment used for compliance testing, including but not limited to the following corrective measures: replace the expired pH buffers and fluoride secondary standards, verify the accuracy of the ammonia calorimeter against secondary standards, calibrate the online turbidimeters, and verify the fluoride test kit against secondary standards.

c. Within 45 days, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.

d. Within 60 days:





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- i. Provide an appropriate air gap on the filter-to-waste connection at the surface water treatment facility;
  - ii. Design the inlet and outlet of clarification facilities so as to prevent short-circuiting of flow or the destruction of floc;
  - iii. Provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gpm per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot);
  - iv. Provide backwash facilities capable of expanding the filtering bed during the backwash cycle;
  - v. Identify all settled water lines feeding the clarifiers and all of the chemical injection feed lines by utilizing labels or paint;
  - vi. Install a level indicator on the 50% caustic bulk storage tank; and
  - vii. Update the chemical and bacteriological monitoring plan so that it identifies all sampling locations, sampling frequency, and specifies the analytical procedures and laboratories the Facility will use to comply with the monitoring requirements.
- e. Within 75 days, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.
- f. Within 90 days:
- i. Remove all excess solids from the sludge lagoon and begin maintaining the lagoon so that it remains free of excessive solids;
  - ii. Provide adequate containment facilities, including secondary containment for the bulk alum storage tank and the liquid ammonium sulfate day tank; and
  - iii. Provide a chemical feed system designed to provide protection against backpressure and siphoning.
- g. Within 105 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision f.



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***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Ms. Michaelle Sherlock, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4076; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

**TCEQ SEP Coordinator:** Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223

**Respondent:** The Honorable Scott McGriff, Mayor, City of Wills Point, P.O. Box 505, Wills Point, Texas 75169

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2010-1721-MLM-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Wills Point
<b>Penalty Amount:</b>	Eleven Thousand Six Hundred Eighty-Five Dollars (\$11,685)
<b>SEP Offset Amount:</b>	Eleven Thousand Six Hundred Eighty-Five Dollars (\$11,685)
<b>Type of SEP:</b>	Custom (Pre-Approved Concept)
<b>Project Name:</b>	Household Hazardous Waste, Electronics, and Appliance Collection Event
<b>Location of SEP:</b>	Van Zandt County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent shall hold a three-day event for the collecting, recycling and proper disposal of tires, electronics (including non-working televisions), appliances (without Freon) and household hazardous waste ("HHW") including, but not limited to, pesticides, herbicides, paint, various solvents, old batteries, and gasoline and oil products (the "Project"). Secure drop-off sites will be manned by City personnel, and a contracted Haz-Mat certified person to oversee the separation of the HHW material from the collected materials. The City will hire a waste disposal contractor to take the segregated waste to a TCEQ-approved facility located at 5100 Youngblood, Dallas, Texas. Manifests will be provided to show proper transport, recycling and disposal of collected materials.

Respondent shall ensure that the event:

- is advertised to the public; and includes a statement that the Project is being performed as a Supplemental Environmental Project
- occurs during the week and on a specified day of the weekend during daylight hours
- offers to the public a convenient drop-off location, and
- includes recycling of electronics, batteries, and tires

Respondent shall properly collect, transport, dispose of, or recycle the collected material. The SEP Offset Amount will be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; and costs of proper disposal and recycling.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project and no portion shall be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.



Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to do this Project and that it is being done solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The SEP will provide a discernible environmental benefit by providing a means of properly disposing of HHW and other waste, which might otherwise be disposed of in storm drains, the sewerage system, or other means detrimental to the environment and help rid communities of the dangers and health threats associated with non-regulated dumping.

The recycling portion of the events will include recycling of household E-waste materials. E-waste materials may include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds of lead. E-waste and contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

The SEP will also limit potential toxic or hazardous e-waste from the waste stream destined for disposal or incineration and to divert the e-waste to recycling. This will save valuable landfill capacity and allow the recycler to re-utilize e-waste components, including CRTs.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the Project described above and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions taken to begin the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the time-frame required in Section 2. *Performance Schedule*, above. Thereafter, Respondent shall submit progress reports to the TCEQ in the following increments and containing detailed information as set forth in the Reporting Schedule table below:





**Table 1: Reporting Schedule**

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions taken during previous 60-day period to implement the project
180	Actions taken during previous 90-day period to implement the project
270	Actions taken during previous 90-day period to implement the project
365	Notice of SEP completion

**B. Final Report**

Within 60 days after completion of SEP, and not later than 425 days after the effective date of the Agreed Order, Respondent shall submit a Final Report to the TCEQ, which includes:

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred;
3. Copies of invoices, paid receipts, checks, and other verifying documentation;
4. Copies of proof of advertisement of the collection event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
5. A certified/notarized statement of quantifiable environmental benefit;
6. Detailed map showing specific locations of the collection site(s);
7. Dated photographs of the Project showing the collected materials;
8. A count on the type of items collected, i.e. number of televisions, number of tires (by type, such as passenger, truck, etc.), number of appliances (by type), gallons of paint, etc.
9. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials.
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

**4. Additional Information and Access**

Respondent shall provide additional information as required by TCEQ staff and shall allow access to all records related to the receipt and expenditure of the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.



## 5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-3087

## 6. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

## 7. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## 8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	27-Sep-2010	<b>Screening</b>	15-Oct-2010	<b>EPA Due</b>	
	<b>PCW</b>	15-Oct-2010				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	City of Willis Point
<b>Reg. Ent. Ref. No.</b>	RN101388973
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	40581	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-1721-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Public Water Supply	<b>Enf. Coordinator</b>	Michaelle Sherlock
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,000
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	28.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$840
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Notes: Enhancement for four NOVs with dissimilar violations and one agreed final enforcement order with denial.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$19  
Approx. Cost of Compliance \$500  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,840
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$3,840
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,840
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$768
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$3,072
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Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Willis Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 28%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for four NOVs with dissimilar violations and one agreed final enforcement order with denial.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 28%





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Water Quality

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121

Violation Description

Failed to prevent an unauthorized discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state. Specifically, at the time of the investigation, waste from the surface water treatment plant lagoon containing wastewater from backwashing filters, the clarifier sludge blow down, and various drains within the plant was observed exiting the lagoon through an overflow pipe approximately 1,800 feet north of the city limits of Wills Point, and entering McBee Creek.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The unauthorized discharge from the facility's surface water treatment process has exposed human health or the environment to insignificant amounts of pollutants which do not exceed levels that are protective of human health and the environment.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

86 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three monthly events are recommended, calculated from the first investigation date, July 21, 2010, to the screening date, October 15, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X (mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$3,840

This violation Final Assessed Penalty (adjusted for limits) \$3,840



# Economic Benefit Worksheet

Respondent: City of Wills Point  
 Case ID No.: 40581  
 Reg. Ent. Reference No.: RN101388973  
 Media: Water Quality  
 Violation No.: 1

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$500	21-Jul-2010	1-May-2011	0.78	\$19	\$19

Notes for DELAYED costs

The delayed cost includes the estimated amount to cease the unauthorized discharge from the lagoon and to institute controls to prevent future unauthorized discharges, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	27-Sep-2010	<b>Screening</b>	15-Oct-2010	<b>EPA Due</b>	
	<b>PCW</b>	15-Oct-2010				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Willis Point		
<b>Reg. Ent. Ref. No.</b>	RN101388973		
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	40581	<b>No. of Violations</b>	17
<b>Docket No.</b>	2010-1721-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>	Water Quality	<b>Enf. Coordinator</b>	Michaelle Sherlock
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>		<b>Subtotal 1</b>	\$7,950
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	37.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,941
<b>Notes</b>	Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and one agreed final enforcement order with denial.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	\$125
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$38,963		
Approx. Cost of Compliance	\$207,982	*Capped at the Total EB \$ Amount	
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b>	\$10,766
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		0.0%	<b>Adjustment</b>
Reduces or enhances the Final Subtotal by the indicated percentage.			
<b>Notes</b>			
		<b>Final Penalty Amount</b>	\$10,766
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	\$10,766
<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$2,153
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
<b>Notes</b>	Deferral offered for expedited settlement.		
<b>PAYABLE PENALTY</b>		\$8,613	



Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component Number of... Enter Number Here Adjust:

NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory-emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and one agreed final enforcement order with denial.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 37%





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.42(d)(2)(E)

Violation Description

Failed to provide an air gap connection to waste on the filter-to-waste connections. Specifically, an air gap was not provided due to insufficient grade between the filters and the waste washwater lagoons resulting in significant head loss through the wastewater drainage system.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential		X	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide an air gap connection could result in customers of the Facility being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

86 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended from the initial date of the investigation, July 21, 2010, to the screening date, October 15, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$343

This violation Final Assessed Penalty (adjusted for limits) \$343



# Economic Benefit Worksheet

Respondent City of Wills Point  
Case ID No. 40581  
Reg. Ent. Reference No. RN101388973  
Media Public Water Supply  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100	11-Jun-2008	1-Jul-2011	3.05	\$1	\$20	\$21
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to provide an air gap on the waste-to-filter line; calculated from the date of the investigation when the violation was first noted to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$21



<b>Screening Date</b>	15-Oct-2010	<b>Docket No.</b>	2010-1721-MLM-E	<b>PCW</b>
<b>Respondent</b>	City of Wills Point	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	40581	PCW Revision October 30, 2006		
<b>Reg. Ent. Reference No.</b>	RN101388973			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(d)(10)(B)			
<b>Violation Description</b>	Failed to design the inlet and outlet of clarification facilities so as to prevent short-circuiting of flow or the destruction of floc. Specifically, at the time of the investigation, it was observed that the weirs on the larger clarifier were unlevel, causing short circuiting.			

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
		Major	Moderate	Minor	
	<b>Release</b>				
	Actual				<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">50%</span>
	Potential	x			

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>				
		Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0%</span>

Failure to prevent short-circuiting could result in an improper treatment process and expose customers of the Facility to a significant amount of contaminants which would exceed levels that are protective of human health.

**Adjustment** \$500

\$500

**Violation Events**

Number of Violation Events 3      86 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$1,500

Three monthly events are recommended from the initial date of the investigation, July 21, 2010, to the screening date, October 15, 2010.

**Good Faith Efforts to Comply**

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$662

**Violation Final Penalty Total** \$2,055

**This violation Final Assessed Penalty (adjusted for limits)** \$2,055



# Economic Benefit Worksheet

Respondent: City of Wills Point  
 Case ID No: 40581  
 Reg. Ent. Reference No: RN101388973  
 Media: Public Water Supply  
 Violation No: 2

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description: No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	21-Jul-2010	1-Jul-2011	0.95	\$32	\$630
Land			0.00	\$0	n/a	\$662
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to design the facilities to prevent short-circuiting of flow or the destruction of floc, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$662





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.42(d)(11)(F)(iii)

## Violation Description

Failed to provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute [12.5 gallons per minute ("gpm") per square foot] and usually not more than 35 inches of vertical rise per minute (21.8 gpm per square foot). Specifically, at the time of the investigation, it was documented that the Facility provided a filter backwash rate of flow of 10.4 gpm per square foot, which is a 17% deficiency.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide an adequate flow of backwash could prevent proper cleaning of the filters which could result in inadequate treatment of the water. This could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

.86 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended from the initial date of the investigation, July 21, 2010, to the screening date, October 15, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$343

This violation Final Assessed Penalty (adjusted for limits) \$343



# Economic Benefit Worksheet

Respondent: City of Willis Point  
 Case ID No: 40581  
 Reg. Ent. Reference No: RN101388973  
 Media: Public Water Supply  
 Violation No: 3

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description: No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$500	21-Jul-2010	1-Jul-2011	0.95	\$2	\$32	\$33
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to provide an acceptable rate of flow of backwash water, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$33



<b>Screening Date</b> 15-Oct-2010 <b>Respondent</b> City of Wills Point <b>Case ID No.</b> 40581 <b>Reg. Ent. Reference No.</b> RN101388973 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Michaelle Sherlock <b>Violation Number</b> 4 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(d)(1)(F)(iv)(II)	<b>Docket No.</b> 2010-1721-MLM-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i>
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**Violation Description**  
 Failed to provide backwash facilities capable of expanding a mixed-media filter bed without air scour at least 25% during the backwash cycle. Specifically, at the time of the investigation, it was documented that the backwash on gravity filter No. 1 expanded the bed an estimated 12.5%, which is a 50% deficiency.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Harm Matrix**  

	<b>Harm</b>		Major	Moderate	Minor	
<b>OR</b>	Release					
	Actual					
	Potential			X		<b>Percent</b> 25%

**>> Programmatic Matrix**  

	<b>Falsification</b>		Major	Moderate	Minor	
						<b>Percent</b> 0%

**Matrix Notes**  
 Failure to provide an adequate flow of backwash could prevent proper cleaning of the filters which could expose customers of the facility to a significant amount of pollutants which would not exceed levels that are protective of human health.

**Adjustment** \$750

**\$250**

**Violation Events**  

<b>Number of Violation Events</b> 1		<b>Number of violation days</b> 86
-------------------------------------	--	------------------------------------

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One quarterly event is recommended from the initial date of the investigation, July 21, 2010, to the screening date, October 15, 2010.

**Good Faith Efforts to Comply** 0.0% Reduction \$0
 

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$250

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b> \$34,214	<b>Statutory Limit Test</b>
-------------------------------------	-----------------------------

**Violation Final Penalty Total** \$343

**This violation Final Assessed Penalty (adjusted for limits)** \$343



# Economic Benefit Worksheet

Respondent City of Wills Point  
Case ID No. 40581  
Reg. Ent. Reference No. RN101388973  
Media Public Water Supply  
Violation No. 4

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No. compliance \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$160,000	11-Jun-2008	1-Jul-2011	3.05	\$1,629	\$32,584	\$34,214
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to remove and replace the existing filter backwash facilities and construct an air scour facility, calculated from the date of the investigation when this violation was first noted to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$160,000

TOTAL

\$34,214





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.42(d)(13)

Violation Description

Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint. Specifically, at the time of the investigation, it was observed that the settled water lines feeding both clarifiers were not properly color coded or labeled, and most of the chemical injection feed lines were not labeled.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirement was met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

86 Number of violation days.

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137



# Economic Benefit Worksheet

Respondent City of Wills Point  
 Case ID No. 40581  
 Reg. Ent. Reference No. RN101388973  
 Media Public Water Supply  
 Violation No. 5

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	21-Jul-2010	1-Jul-2011	0.95	\$2	\$32	\$33
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to properly label or paint the lines, calculated from the initial date of the investigation to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$33



<b>Screening Date</b> 15-Oct-2010 <b>Respondent</b> City of Wills Point <b>Case ID No.</b> 40581 <b>Reg. Ent. Reference No.</b> RN101388973 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Michaelle Sherlock <b>Violation Number</b> 6 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(f)(1)(C)	<b>Docket No.</b> 2010-1721-MLM-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i>	
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**Violation Description**  
 Failed to provide a device on all chemical bulk storage facilities and day tanks that indicates the amount of chemical remaining in the facility or tank. Specifically, at the time of the investigation, it was observed that the 50% caustic bulk storage tank did not have a level indicator.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**  

	<b>Harm</b>				
		Major	Moderate	Minor	
<b>OR</b>	Release				
	Actual				
	Potential			x	

**Percent** 10%

**>> Programmatic Matrix**  

	<b>Falsification</b>				
		Major	Moderate	Minor	

**Percent** 0%

**Matrix Notes**  
 Failure to provide a level indicator for chemical bulk storage and day tanks could expose customers to an insignificant amount of contaminants from improperly treated water that would not exceed levels protective of human health.

**Adjustment** \$900

**\$100**

**Violation Events**  

<b>Number of Violation Events</b> 1		<b>Number of violation days</b> 86
-------------------------------------	--	------------------------------------

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$100

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0
 

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$100

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$13	<b>Violation Final Penalty Total</b> \$137
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$137	



# Economic Benefit Worksheet

Respondent City of Wills Point  
 Case ID No. 40581  
 Reg. Ent. Reference No. RN101388973  
 Media Public Water Supply  
 Violation No. 6

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$200	21-Jul-2010	1-Jul-2011	0.95	\$1	\$13	\$13
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install the level indicator for the 50% caustic bulk storage tank, calculated from the initial date of the investigation to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$13





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)

Violation Description

Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, at the time of the investigation, it was observed that the bulk alum storage tank and liquid ammonium sulfate ("LAS") day tank did not have a secondary containment structure.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide secondary containment facilities for liquid chemical storage tanks could expose employees or the environment to an insignificant amount of chemicals which would not exceed levels that are protective of human health and environmental receptors.

Adjustment \$900

\$100

## Violation Events

2

86 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$200

Two single events are recommended, one for each tank without secondary containment.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2,234

Violation Final Penalty Total \$274

This violation Final Assessed Penalty (adjusted for limits) \$274



# Economic Benefit Worksheet

Respondent City of Wills Point  
Case ID No. 40581  
Reg. Ent. Reference No. RN101388973  
Media Public Water Supply  
Violation No. 7

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	21-Jul-2010	1-Aug-2011	1.03	\$2	\$34	\$36
Engineering/construction	\$10,000	11-Jun-2008	1-Aug-2011	3.14	\$105	\$2,093	\$2,198
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The engineering/construction delayed cost is the estimated amount to provide secondary containment facilities for the alum tank, calculated from the date of the investigation when the violation was first observed to the estimated date of compliance. The other delayed costs include the amount to provide secondary containment facilities for the LAS day tank, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,500

TOTAL

\$2,234



Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.42(f)(2)(D)

Violation Description

Failed to use a chemical feed system designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning. Specifically, at the time of the investigation, it was observed that there are cross-connections between the chlorine injection line that feeds upstream of the clarifiers and the chlorine feed line that feeds post filtered water and a cross-connection exists between the chlorine feed line for the post filtered water and the LAS injection line that feeds the upstream clarifier.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a chemical feed system designed to prevent backpressure and siphoning could expose customers to a significant amount of contaminants which would not exceed levels that are protective of human health and environmental receptors.

Adjustment \$750

\$250

## Violation Events

86 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended from the initial date of the investigation, July 21, 2010, to the screening date, October 15, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$72

Violation Final Penalty Total \$343

This violation Final Assessed Penalty (adjusted for limits) \$343



# Economic Benefit Worksheet

Respondent: City of Wills Point  
 Case ID No: 40581  
 Reg. Ent. Reference No: RN101388973  
 Media: Public Water Supply  
 Violation No: 8

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description: No. comparisons

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,000	21-Jul-2010	1-Aug-2011	1.03	\$3	\$69	\$72
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to make changes to the feed system so it provides protection against backpressure and siphoning, calculated from the initial date of the investigation to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$72





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(f)(2), 290.46(f)(3)(B)(vi), and 290.46(f)(3)(B)(v)

Violation Description

Failed to maintain the Facility's operating records accessible for review during inspections. Specifically, at the time of the investigation, the Facility did not provide backflow prevention test reports for the wastewater plant and the water treatment plant, and other establishments, and flow meter calibration reports for the raw, finished, and backflow prevention meters at the water treatment plant for review.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes

Between 30% and 70% of the requirement was met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

86 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X	(mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137



# Economic Benefit Worksheet

Respondent: City of Willis Point  
 Case ID No.: 40581  
 Reg. Ent. Reference No.: RN101388973  
 Media: Public Water Supply  
 Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description: No. comments or \$						

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$90	21-Jul-2010	1-Jun-2011	0.86	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs are the estimated amount to develop a record keeping system for the flushing records, backflow prevention test reports, and flow meter calibration reports, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

TOTAL

\$4



Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 107

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to obtain prior approval from the Executive Director before using an alternative customer service inspection certificate ("CSI") form. Specifically, at the time of the investigation, it was observed that the individual performing customer service inspections for the Facility was using a form that did not have the minimum information contained in § 290.47, Appendix D.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

86 Number of Violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$343

This violation Final Assessed Penalty (adjusted for limits) \$343



# Economic Benefit Worksheet

Respondent City of Wills Point  
 Case ID No. 40581  
 Reg. Ent. Reference No. RN101388973  
 Media Public Water Supply  
 Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0:00	\$0	\$0	\$0
Buildings				0:00	\$0	\$0	\$0
Other (as needed)				0:00	\$0	\$0	\$0
Engineering/construction				0:00	\$0	\$0	\$0
Land				0:00	\$0	n/a	\$0
Record Keeping System				0:00	\$0	n/a	\$0
Training/Sampling				0:00	\$0	n/a	\$0
Remediation/Disposal				0:00	\$0	n/a	\$0
Permit Costs				0:00	\$0	n/a	\$0
Other (as needed)	\$45	21-Jul-2010	1-Jun-2011	0:86	\$2	n/a	\$2

Notes for DELAYED costs

Delayed costs include the estimated amount to update the customer inspection certificate forms or obtain Executive Director approval, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0:00	\$0	\$0	\$0
Personnel				0:00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0:00	\$0	\$0	\$0
Supplies/equipment				0:00	\$0	\$0	\$0
Financial Assurance [2]				0:00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0:00	\$0	\$0	\$0
Other (as needed)				0:00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$2





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Willis Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 11

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

## Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was observed that the clarifier's supply lines had paint that was beginning to flake off and had extensive corrosion, the modulating valve on filter No. 1 was not working, the fencing close to the old raw water intake had excessive vines and brush growing on it, and the containment structure for the caustic day tank had a hole in it.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to ensure the good working condition and general appearance of the Facility and its equipment could expose customers of the Facility to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 4

86 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$400

Four single events are recommended (one for each housekeeping issue).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

x	(mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$400

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$121

Violation Final Penalty Total \$548

This violation Final Assessed Penalty (adjusted for limits) \$548



# Economic Benefit Worksheet

Respondent: City of Willis Point  
 Case ID No.: 40581  
 Reg. Ent. Reference No.: RN101388973  
 Media: Public Water Supply  
 Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	21-Jul-2010	1-Jun-2011	0.86	\$6	\$115	\$121
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to repair corrosion and paint on the clarifier supply lines, replace the modulating valve, remove vines and brush, and repair the containment structure for the caustic tank, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$121



<b>Screening Date</b> 15-Oct-2010 <b>Respondent</b> City of Wills Point <b>Case ID No.</b> 40581 <b>Reg. Ent. Reference No.</b> RN101388973 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Michaelle Sherlock	<b>Docket No.</b> 2010-1721-MLM-E  <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i>
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<b>V12</b>	<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)(1)(A)
	<b>Violation Description</b>	Failed to inspect the interior coating of the elevated storage tanks for adequate protection to all metal surfaces on an annual basis. Specifically, at the time of the investigation, the inside of the tanks were not inspected annually to ensure interior tank coatings provide adequate protection to all metal surfaces.

  

<b>Base Penalty</b>	\$1,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
					<b>Percent</b> <input type="text" value="10%"/>

  

**>> Programmatic Matrix**

<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> <input type="text" value="0%"/>

  

<b>Matrix Notes</b>	Failure to perform an annual inspection of the elevated storage tanks internal coating could result in non-detection of tank defects that could expose customers of the facility to insignificant amounts of contaminants which would not exceed levels that are protective of human health.
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<b>Adjustment</b>	\$900
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<b>Violation Events</b>	\$100
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<b>Number of Violation Events</b> <input type="text" value="3"/>	<b>Number of violation days</b> <input type="text" value="86"/>
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mark only one with an x	daily weekly monthly quarterly semiannual annual single event	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
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<b>Violation Base Penalty</b>	\$300
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Three annual events are recommended (one for each elevated storage tank).

  

<b>Good Faith Efforts to Comply</b>	0.0%	<b>Reduction</b>	\$0
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	Before NOV Extraordinary Ordinary N/A	NOV to EDRP/Settlement Offer <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> (mark with x)	
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<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$300
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<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
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<b>Estimated EB Amount</b>	\$129
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<b>Violation Final Penalty Total</b>	\$411
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$411
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# Economic Benefit Worksheet

Respondent City of Wills Point  
 Case ID No. 40581  
 Reg. Ent. Reference No. RN101388973  
 Media Public Water Supply  
 Violation No. 12

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$123	21-Jul-2009	21-Jul-2010	1.00	\$6	\$123	\$129
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to inspect the internal coating of the Facility's three elevated storage tanks, calculated for the one year prior to the investigation.

Approx. Cost of Compliance

\$123

TOTAL

\$129





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 13

Rule Cite(s)

30 Tex. Admin. Code 290.46(m)(4)

Violation Description

Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, at the time of the investigation, the waste lagoon had excessive solids.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

If the sludge lagoons are not properly maintained, wastewater from the treatment process could overflow and cause significant amounts of contaminants to be discharged, which would exceed levels protective of human health and environmental receptors.

Adjustment \$500

\$500

## Violation Events

Number of Violation Events 3

86 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Three monthly events are recommended from the initial date of the investigation, July 21, 2010, to the screening date, October 15, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,139

Violation Final Penalty Total \$2,055

This violation Final Assessed Penalty (adjusted for limits) \$2,055



# Economic Benefit Worksheet

Respondent City of Wills Point,  
Case ID No. 40581  
Reg. Ent. Reference No. RN101388973  
Media Public Water Supply  
Violation No. 13

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description - No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal	\$22,119	21-Jul-2010	1-Aug-2011	1.03	\$1,139	\$1,139
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed costs include the estimated amount to remove the excess solids from the waste lagoon and to develop a solids removal plan to prevent reoccurrence, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$22,119

TOTAL

\$1,139



<b>Screening Date</b>	15-Oct-2010	<b>Docket No.</b>	2010-1721-MLM-E	<b>PCW</b>
<b>Respondent</b>	City of Willis Point	Policy Revision 2 (September 2002) PCW Revision October 30, 2008		
<b>Case ID No.</b>	40581			
<b>Reg. Ent. Reference No.</b>	RN101388973			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Michaelle Sherlock			
<b>Violation Number</b>	14			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §8-290.46(s)(2), 290.46(s)(2)(A)(II), and 290.46(s)(2)(B)(IV)			
<b>Violation Description</b>	<p>Failed to properly calibrate equipment used for compliance testing. Specifically, at the time of the investigation, it was observed that the pH buffers and fluoride secondary standards were out of date, the accuracy of the ammonia colorimeter was not being verified against secondary standards once every 30 days, the calibration of the online turbidimeters was not being verified once per week, and the fluoride testing kit was not being verified against secondary standards once every 30 days.</p>			
		<b>Base Penalty</b>	\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Release</b>	<b>Major</b>	<b>Harm Moderate</b>	<b>Minor</b>
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Percent</b>		10%
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>		0%
<b>Matrix Notes</b>	Failure to calibrate equipment used for compliance testing could cause customers of the Facility to be exposed to insignificant amounts of contaminants, which would not exceed levels that are protective of human health.			
		<b>Adjustment</b>	\$900	
				\$100
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="4"/> <input type="text" value="86"/> <b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single-event	<input checked="" type="checkbox"/>		
		<b>Violation Base Penalty</b>		\$400
		Four single events are recommended (one for each deficiency).		
<b>Good Faith Efforts to Comply</b>				
		0.0% Reduction		\$0
	<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>		
Extraordinary	<input type="checkbox"/>		<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>		<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good-faith criteria for this violation.			
		<b>Violation Subtotal</b>	\$400	
<b>Economic Benefit (EB) for this violation</b>				
		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$62"/>		<b>Violation Final Penalty Total</b>
				\$548
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$548



# Economic Benefit Worksheet

Respondent: City of Wills Point  
 Case ID No: 40581  
 Reg. Ent. Reference No: RN101388973  
 Media: Public Water Supply  
 Violation No: 14

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment	\$50	21-Jul-2010	1-Jun-2011	0.86	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost includes the estimated amount to replace buffers and secondary standards, calculated from the investigation date to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	21-Jun-2010	21-Jul-2010	0.08	\$0	\$8	\$9
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$50	14-Jul-2010	21-Jul-2010	0.00	\$0	\$50	\$50

Notes for AVOIDED costs

Avoided inspection/reporting/sampling cost includes the estimated amount to verify the accuracy of the ammonia colorimeter and the fluoride testing kit every 30 days, calculated for 30 days prior to the date of the investigation. Avoided other cost includes the estimated amount to calibrate the online turbidimeters weekly, calculated for the seven days prior to the investigation.

Approx. Cost of Compliance

\$200

TOTAL

\$62





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 15

Rule Cite(s)

30 Tex. Admin. Code § 290.110(b)(4)

Violation Description

Failed to maintain the residual disinfectant concentration within the distribution system at a minimum of 0.5 milligrams per liter (mg/L) chloramine. Specifically, at the time of the investigation, chloramine residual in the Industrial Park and Eastside elevated storage tanks was 0.0 mg/L total.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the proper disinfectant residual throughout the distribution system at all times could expose consumers to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$500

\$500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$125

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance with this violation on July 26, 2010.

Violation Subtotal \$375

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$560

This violation Final Assessed Penalty (adjusted for limits) \$560



# Economic Benefit Worksheet

Respondent: City of Wills Point  
 Case ID No: 40581  
 Reg. Ent. Reference No: RN101388973  
 Media: Public Water Supply  
 Violation No: 15

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description: No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	21-Jul-2010	26-Jul-2010	0.00	\$0	\$200
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

One-time avoided costs include the estimated amount for additional maintenance and oversight that could have prevented the low disinfectant residual level, calculated from the investigation date to the date of compliance.

Approx. Cost of Compliance

\$200

TOTAL

\$200



Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Wills Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 16

Rule Cite(s)

30 Tex. Admin. Code § 290.111(d)(2)(B)

## Violation Description

Failed to monitor the performance of the disinfection zones according to the Facility's most current monitoring plan and current disinfection contact time ("CT") study approval letter. Specifically, at the time of the investigation it was noted that the disinfection residual concentrations were not being collected at location D2A and the Facility was adding LAS upstream of the chlorine injection point.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly monitor the performance of the disinfection zones according to the monitoring plan and CT study could lead to non-detection of a treatment technique problem within the system, causing customers to be exposed to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$500

\$500

## Violation Events

Number of Violation Events 3

86 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Three monthly events are recommended from the initial date of the investigation date, July 21, 2010, to the screening date, October 15, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$2,055

This violation Final Assessed Penalty (adjusted for limits) \$2,055



# Economic Benefit Worksheet

**Respondent** City of Willis Point  
**Case ID No.** 40581  
**Reg. Ent. Reference No.** RN101388973  
**Media** Public Water Supply  
**Violation No.** 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$360	21-Jul-2010	1-Jun-2011	0.86	\$16	n/a	\$16

Notes for DELAYED costs

The delayed cost includes the amount to initiate a training program to ensure that facility personnel understand how to monitor the performance of the disinfection zones, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$360

TOTAL

\$16





Screening Date 15-Oct-2010

Docket No. 2010-1721-MLM-E

PCW

Respondent City of Willis Point

Policy Revision 2 (September 2002)

Case ID No. 40581

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388973

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Sherlock

Violation Number 17

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a) and (b)

## Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements. Specifically, at the time of the investigation, it was observed that the monitoring plan contained an outdated list of bacteriological monitoring sites and portions of the monitoring plan were located in folders that were not related to the monitoring plan.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirement was met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

86 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137



# Economic Benefit Worksheet

**Respondent** City of Wills Point  
**Case ID No.** 40581  
**Reg. Ent. Reference No.** RN101388973  
**Media** Public Water Supply  
**Violation No.** 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$45	25-Nov-2008	1-Jul-2011	2.60	\$0	\$8	\$8
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to update the monitoring plan and make maintain the plan in an accessible location, calculated from the date of the investigation when the violation was first observed to the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$8



# Compliance History Report

Customer/Respondent/Owner-Operator: CN600665046 City of Wills Point Classification: AVERAGE Rating: 3.23  
Regulated Entity: RN101388973 CITY OF WILLS POINT Classification: Site Rating:  
  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2340005  
WATER LICENSING LICENSE 2340005  
Location: LOCATED NORTH OF US 80 & WEST OF FM 47 IN VAN ZANDT CO.  
TCEQ Region: REGION 05 - TYLER  
Date Compliance History Prepared: September 27, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: September 27, 2005 to September 27, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Michaelie Sherlock Phone: (210) 403-4076

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: No

## Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/24/2005

ADMINORDER 2005-1179-PWS-E

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceeded the Maximum Concentration Level of 0.060 mg/L based on a running annual average ("RAA") for haloacetic acids ("HAA5").

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceeded the Maximum Concentration Level of 0.080 mg/L based on a RAA for total trihalomethanes ("TTHM").

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/25/2006	(481579)
2	05/22/2007	(560307)
3	11/14/2007	(600410)
4	07/01/2008	(684408)
5	01/05/2009	(710333)
6	05/20/2009	(688131)
7	09/24/2010	(844564)



E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/04/2006 (481579) CN600665046  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
Description: Failure to provide an operational flow measuring device to measure the treated water discharged from the plant.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)  
Description: Failure to provide adequate containment facilities for the fluorosilicic acid chemical tank.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.121  
Description: Failure to have available a copy of the water system's Laboratory Approval Form (TCEQ-10450).

Date: 06/05/2007 (560307) CN600665046  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
Description: Failure to provide an operational flow measuring device to measure the treated water discharged from the plant.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)  
Description: Failure to maintain backflow prevention assembly test and maintenance reports for a minimum of three years. The regulated entity must provide these records to Commission staff for inspection upon request.

Date: 07/02/2008 (684408) CN600665046  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)  
Description: Failure to maintain records of the amount of treatment chemicals used each day.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
Description: Failure to maintain records of the dates that dead-end mains were flushed.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to initiate maintenance and housekeeping practices.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)  
Description: Failure to calibration benchtop pH meters at least once a day.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)  
Description: Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)  
Description: Failure to check the calibration of on-line turbidimeters at least once a week.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
Description: Failure to check the manual disinfectant analyzers at least once every 30 days with a chlorine solution of known concentration.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)  
Description: Failure to calibrate continuous disinfection residual analyzers at least once every 90 days using chlorine solutions of known concentrations.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(iv)(II)  
Description: Failure to provide backwash facilities capable of expanding a dual media filter





bed, without air scour, at least 25% during the backwash cycle.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)  
 Description: Failure to provide an air gapped connection on the filter-to-waste line.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
 Description: Failure to provide an operational flow measuring device to measure the treated water used to backwash the filters.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)  
 Description: Failure to provide containment facilities large enough to hold the maximum amount of chemical that can be stored with a minimum of six inches of freeboard or hold 110% of the total volume of the chemicals stored.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)  
 Description: Failure to perform annual inspections and testing by a certified backflow assembly tester on all backflow prevention assemblies.

Date: 01/08/2009 (710333) CN600665046

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
 Description: Failure to maintain records of the dates that dead-end mains were flushed.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(iv)(II)  
 Description: Failure to provide backwash facilities capable of expanding a dual media filter bed, without air scour, at least 25% during the backwash cycle.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)  
 Description: Failure to provide an air gapped connection on the filter-to-waste line.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
 Description: Failure to provide an operational flow measuring device to measure the treated water used to backwash the filters.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)  
 Description: Failure to provide containment facilities large enough to hold the maximum amount of chemical that can be stored with a minimum of six inches of freeboard or hold 110% of the total volume of the chemicals stored.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)  
 Description: Failure to flush at all dead end mains at least once per month.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to repair the rate-of-flow control valve on filter #2.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(5)  
 Description: Failure to maintain the smaller up-flow clarifier free from excessive solids.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
 Description: Failure to calibrate rate-of-flow controllers and flow measuring devices at least once every 12 months.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.121  
 Description: Failure to maintain the monitoring plan up-to-date.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
 Description: Failure to compile a plant operations and maintenance manual.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A



H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF WILLS POINT  
RN101388973

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2010-1721-MLM-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Wills Point ("the Respondent") under the authority of Tex. HEALTH & SAFETY CODE ch. 341 and the TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a municipal public water supply located north of United States Highway 80 and west of Farm-to-Market Road 47, Van Zandt County, Texas (the "Facility") that has approximately 1,895 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent has caused, suffered, allowed, or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on September 27, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Fourteen Thousand Six Hundred Six Dollars (\$14,606) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Nine Hundred Twenty-One Dollars (\$2,921) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eleven Thousand Six Hundred Eighty-Five Dollars (\$11,685) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on July 26, 2010, the Respondent submitted documentation to demonstrate that the disinfectant residual was restored to a level greater than 0.5 milligrams per Liter ("mg/L") at Industrial Park and Eastside elevated storage tanks.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent an unauthorized discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121, as documented during an investigation conducted on July 21, 22, and 27, 2010.
2. Failed to provide an air gap connection to waste on the filter-to-waste connections, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E), as documented during an investigation conducted on July 21, 22, and 27, 2010.





3. Failed to design the inlet and outlet of clarification facilities so as to prevent short-circuiting of flow or the destruction of floc, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(10)(B), as documented during an investigation conducted on July 21, 22, and 27, 2010.
4. Failed to provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute [12.5 gallons per minute ("gpm") per square foot] and usually not more than 35 inches of vertical rise per minute (21.8 gpm per square foot), in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(iii), as documented during an investigation conducted on July 21, 22, and 27, 2010.
5. Failed to provide backwash facilities capable of expanding a mixed-media filter bed without air scour at least 25% during the backwash cycle, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(iv)(II), as documented during an investigation conducted on July 21, 22, and 27, 2010.
6. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13), as documented during an investigation conducted on July 21, 22, and 27, 2010.
7. Failed to provide a device on all chemical bulk storage facilities and day tanks that indicates the amount of chemical remaining in the facility or tank, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(C), as documented during an investigation conducted on July 21, 22, and 27, 2010.
8. Failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii), as documented during an investigation conducted on July 21, 22, and 27, 2010.
9. Failed to use a chemical feed system designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(2)(D), as documented during an investigation conducted on July 21, 22, and 27, 2010.
10. Failed to maintain the Facility's operating records accessible for review during inspections, in violation of 30 TEX. ADMIN. CODE §§ 290.46(f)(2), 290.46(f)(3)(B)(vi), and 290.46(f)(3)(B)(v), as documented during an investigation conducted on July 21, 22, and 27, 2010.
11. Failed to obtain prior approval from the Executive Director before using an alternative customer service inspection certification ("CSI") form, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on July 21, 22, and 27, 2010.
12. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on July 21, 22, and 27, 2010.



13. Failed to inspect the interior coating of the elevated storage tanks for adequate protection to all metal surfaces on an annual basis, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on July 21, 22, and 27, 2010.
14. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE 290.46(m)(4), as documented during an investigation conducted on July 21, 22, and 27, 2010.
15. Failed to properly calibrate equipment used for compliance testing, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2), 290.46(s)(2)(A)(ii), and 290.46(s)(2)(B)(iv), as documented during an investigation conducted on July 21, 22, and 27, 2010.
16. Failed to maintain the residual disinfectant concentration within the distribution system at a minimum of 0.5 mg/L chloramine, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4), as documented during an investigation conducted on July 21, 22, and 27, 2010.
17. Failed to monitor the performance of the disinfection zones according to the Facility's most current monitoring plan and current disinfection contact time ("CT") study approval letter, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(B), as documented during an investigation conducted on July 21, 22, and 27, 2010.
18. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on July 21, 22, and 27, 2010.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Wills Point, Docket No. 2010-1721-MLM-E" to:



Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Six Hundred Eighty-Five Dollars (\$11,685) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease all unauthorized discharges from the surface water treatment plant lagoon and institute controls to prevent any future unauthorized discharges, in accordance with TEX. WATER CODE § 26.121.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Inspect the interiors of all elevated storage tanks to ensure the interior coatings provide adequate protection to all metal surfaces, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Begin maintaining the Facility's operating records, including but not limited to: backflow prevention test reports, and flow meter calibration reports, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the facilities and equipment, in accordance with 30 TEX. ADMIN. CODE § 290.46. This will include, but not be limited to the following corrective measures: repairing the corrosion and paint on the supply lines feeding the clarifiers, repairing or replacing the modulating valve on filter 1, removing all vegetation growing on the fence close to the old raw water intake, and repairing the containment structure for the caustic day tank;
    - iv. Begin using a customer service inspection certification form which provides the minimum information contained in 30 TEX. ADMIN. CODE § 290.47, Appendix D, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - v. Begin monitoring the performance of the disinfection zones according to the Facility's most recent monitoring plan and CT study, in accordance with 30 TEX. ADMIN. CODE § 290.111. This will include, but not be limited to the following corrective measures: collecting disinfection residual



concentrations at all disinfection zones and adding chlorine upstream of the liquid ammonium sulfate ("LAS"); and

- vi. Properly calibrate equipment used for compliance testing, including but not limited to the following corrective measures: replace the expired pH buffers and fluoride secondary standards, verify the accuracy of the ammonia calorimeter against secondary standards, calibrate the online turbidimeters, and verify the fluoride test kit against secondary standards, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.g, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a and 3.b.
- d. Within 60 days after the effective date of this Agreed Order:
  - i. Provide an appropriate air gap on the filter-to-waste connection at the surface water treatment facility, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - ii. Design the inlet and outlet of clarification facilities so as to prevent short-circuiting of flow or the destruction of floc, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - iii. Provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gpm per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot), in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - iv. Provide backwash facilities capable of expanding the filtering bed during the backwash cycle, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - v. Identify all settled water lines feeding the clarifiers and all of the chemical injection feed lines by utilizing labels or paint, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - vi. Install a level indicator on the 50% caustic bulk storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
  - vii. Update the chemical and bacteriological monitoring plan so that it identifies all sampling locations, sampling frequency, and specifies the analytical procedures and laboratories the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.g., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d.





- f. Within 90 days after the effective date of this Agreed Order:
  - i. Remove all excess solids from the sludge lagoon and begin maintaining the lagoon so that it remains free of excessive solids, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - ii. Provide adequate containment facilities, including secondary containment for the bulk alum storage tank and the LAS day tank, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
  - iii. Provide a chemical feed system designed to provide protection against backpressure and siphoning, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- g. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a



written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Galen Szalai*  
For the Executive Director

5/16/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Scott McGriff*  
Signature Mayor

3-18-2011  
Date

Scott McGriff  
Name (Printed or typed)  
Authorized Representative of  
City of Wills Point

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2010-1721-MLM-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Wills Point
<b>Penalty Amount:</b>	Eleven Thousand Six Hundred Eighty-Five Dollars (\$11,685)
<b>SEP Offset Amount:</b>	Eleven Thousand Six Hundred Eighty-Five Dollars (\$11,685)
<b>Type of SEP:</b>	Custom (Pre-Approved Concept)
<b>Project Name:</b>	Household Hazardous Waste, Electronics, and Appliance Collection Event
<b>Location of SEP:</b>	Van Zandt County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent shall hold a three-day event for the collecting, recycling and proper disposal of tires, electronics (including non-working televisions), appliances (without Freon) and household hazardous waste ("HHW") including, but not limited to, pesticides, herbicides, paint, various solvents, old batteries, and gasoline and oil products (the "Project"). Secure drop-off sites will be manned by City personnel, and a contracted Haz-Mat certified person to oversee the separation of the HHW material from the collected materials. The City will hire a waste disposal contractor to take the segregated waste to a TCEQ-approved facility located at 5100 Youngblood, Dallas, Texas. Manifests will be provided to show proper transport, recycling and disposal of collected materials.

Respondent shall ensure that the event:

- is advertised to the public; and includes a statement that the Project is being performed as a Supplemental Environmental Project
- occurs during the week and on a specified day of the weekend during daylight hours
- offers to the public a convenient drop-off location, and
- includes recycling of electronics, batteries, and tires

Respondent shall properly collect, transport, dispose of, or recycle the collected material. The SEP Offset Amount will be used for heavy equipment such as roll-off bins, vehicles, and trailers; public announcements of the event; and costs of proper disposal and recycling.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project and no portion shall be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.





Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to do this Project and that it is being done solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The SEP will provide a discernible environmental benefit by providing a means of properly disposing of HHW and other waste, which might otherwise be disposed of in storm drains, the sewerage system, or other means detrimental to the environment and help rid communities of the dangers and health threats associated with non-regulated dumping.

The recycling portion of the events will include recycling of household E-waste materials. E-waste materials may include computers and related information technologies such as workstations, scanners, printers, hand-held diagnostic and screening tools, cell phones, servers, and televisions, among many others. Cathode ray tubes ("CRT") are the picture tubes in computers, monitors and TVs. With the rapid evolution of technology, computers and TVs containing CRTs become obsolete in a short period of time and are simply discarded, often in landfills. A typical 17-inch CRT contains approximately two pounds of lead and larger CRTs may contain up to ten pounds of lead. E-waste and contain lead, mercury, cadmium, hexavalent chromium and brominated flame retardants.

The SEP will also limit potential toxic or hazardous e-waste from the waste stream destined for disposal or incineration and to divert the e-waste to recycling. This will save valuable landfill capacity and allow the recycler to re-utilize e-waste components, including CRTs.

**C. Minimum Expenditure**

Respondent shall spend at least the SEP Offset Amount to complete the Project described above and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

**3. Records and Reporting**

**A. Progress Report**

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions taken to begin the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the time-frame required in Section 2. *Performance Schedule*, above. Thereafter, Respondent shall submit progress reports to the TCEQ in the following increments and containing detailed information as set forth in the Reporting Schedule table below:



**Table 1: Reporting Schedule**

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions taken during previous 60-day period to implement the project
180	Actions taken during previous 90-day period to implement the project
270	Actions taken during previous 90-day period to implement the project
365	Notice of SEP completion

**B. Final Report**

Within 60 days after completion of SEP, and not later than 425 days after the effective date of the Agreed Order, Respondent shall submit a Final Report to the TCEQ, which includes:

1. A summary total of the amount of costs incurred;
2. An itemized list of expenditures and costs incurred;
3. Copies of invoices, paid receipts, checks, and other verifying documentation;
4. Copies of proof of advertisement of the collection event (the advertisement must include the statement that the SEP was performed as a result of a TCEQ enforcement action);
5. A certified/notarized statement of quantifiable environmental benefit;
6. Detailed map showing specific locations of the collection site(s);
7. Dated photographs of the Project showing the collected materials;
8. A count on the type of items collected, i.e. number of televisions, number of tires (by type, such as passenger, truck, etc.), number of appliances (by type), gallons of paint, etc.
9. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials.
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

**4. Additional Information and Access**

Respondent shall provide additional information as required by TCEQ staff and shall allow access to all records related to the receipt and expenditure of the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.



**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

